

REMARKS/ARGUMENTS

Specification

In the specification, the original specification has been cancelled and replaced with a substitute specification, to more clearly emphasize the novelty of the present invention. Applicant hereby states that no new matter has been added to the substitute specification.

Claim Rejections

Claims 1-5 have been cancelled. New claims 6-13 have been added. Applicant has rewritten all claims to define the invention more particularly and distinctly so as to define the invention patentably over the prior art. Thus, claims 6-13 are pending in the application.

Claim Objections

The examiner has acknowledged that claim 4 is directed to allowable subject matter, but objected to them as being dependent on a rejected claim base, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Dependent claim 4 has been cancelled and replaced with new independent claim 13 substantially incorporating the limitations of cancelled dependent claim 4 and cancelled base claim 1 and it is believed that the new claim 13 is fully responsive to the examiner's concerns.

Claim Rejections - 35 U.S.C. § 102

The examiner has rejected claims 1, 2 and 5 under 35 U.S.C. section 102(b) as being anticipated by Law.

The examiner has acknowledged that there are distinct differences between Law and the instant invention, although the differences were not originally claimed. The

examiner has acknowledged that claim 1 is likely directed to allowable subject matter if the *sul ponticello* and *sul tasto* limitations were added.

Claim 1 has been cancelled and replaced with new claim 6, incorporating the *sul ponticello* and *sul tasto* limitations, as follows:

“wherein said pivot point is located on said body at a sufficiently distant point from an area immediately beneath said strings to allow said pickup to effectively transition to produce *sul ponticello* and *sul tasto* tone qualities”

It is believed that the new claim is fully responsive to the examiner's concerns. Thus, for this reason, Applicant respectfully submits that new claim 6 patentably distinguishes over Law. Withdrawal of this rejection is respectfully requested.

Dependent claim 2 has been cancelled and replaced with new dependent claims 9, 10, and 11. Base independent claim 1 has been cancelled as noted above and replaced with base independent claim 6; the incorporated limitations should resolve the examiner's concerns. Thus, for this reason, Applicant respectfully submits that new claims 9, 10, and 11 patentably distinguish over Law. Withdrawal of this rejection is respectfully requested.

Independent claim 5 has been withdrawn.

Claim Rejections - 35 U.S.C. § 103

The examiner has rejected claims 3 under 35 U.S.C. section 103(a) as being unpatentable over Law in view of Engard.

Dependent claim 3 has been cancelled and replaced with new dependent claims 7 and 8, each of which depends from at least claim 1.

Engard relates to a track (14) to guide a single-string pickup (20) along a linear track that is beneath and parallel to a corresponding string. The primary purpose of the track (14) is to maintain the path of the pickup (20) directly beneath a string, at all parts of a linear path, described in text as follows.

“The block to which the single-string pickup is attached fits snugly into the *channel* in which it glides so as to *minimize any error in the proper alignment of the signal sensing field or pickup pattern beneath the string.*”

and;

“how the possible range of motion of a given base is restricted to the volume within which it is slideably disposed and how the tracks (14) of the top surface (trackbed (14a)) guide the base as it is moved to different positions on its long axis”

Thus, the channel forms a narrow groove to restrict the pickup along a linear path, the track being a path guidance means; however, in the present application, the *recess* formed in the body acts primarily as a clearance device, preventing the pickup assembly from substantially mechanically contacting the strings of the instrument.

“said recess being of sufficient depth to prevent substantial contact between said pickup assembly and said strings”

The walls formed at the extremity of the sector prevent can be used to prevent movement beyond a predetermined angular path, forming a boundary, as stated in new claim 8.

“The pickup assembly of claim 7 wherein said recess defines a boundary, said boundary restricting said curvilinear path to a specified sector.”

The boundary claimed by the present invention does *not* guide the pickup mechanism in a parallel path to the strings. In fact, the boundary provides no continuous guidance to the pickup assembly throughout its path. It is, instead the pivoting means that guides the pickup assembly along a path. Additionally, it does *not*, as revealed by Engard, “minimize any error in the proper alignment of the signal sensing field or pickup pattern beneath the string”.

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Applicant respectfully submits that claims 7 and 8 are not unpatentable over Law in view of Engard, and that claims 7 and 8 are not obvious in view of Law and Engard. Withdrawal of this rejection is respectfully requested.

Finally, dependent claim 12, which depends directly from independent claim 1, and incorporate all the limitations of claim 1, also include additional limitations which are not shown or suggested by the prior art. For example, in neither Law nor Engard, is the path of the pickup defined by an arc, whose "pivot point is located on said body at a sufficiently distant point from an area immediately beneath said strings".

Also applicant submits that the novel physical features of claims 6 to 14 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Law in view of Engard. Withdrawal of this rejection is respectfully requested.

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Conclusion

For all of the above reasons, applicant submits that the claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, applicant submits that this application is now in condition for allowance, which action applicant respectfully solicits.

Very Respectfully,



Aaron McGushion
Patent Agent No. 53,300

127 6th Street #4
Seal Beach, CA 90740
Tel: (562) 598-6418
Cell: (562) 773-3280
Fax: (562) 252-1509

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